

time. Resp. 3, ECF No. 127. The time for filing a notice of appeal to the May 26 judgment was within 14 days thereafter. Fed. R. App. P. 4(b)(1)(A)(i). Thirty days from the expiration of that time would have been July 11 and the present Notice of Appeal was filed after that time.¹ “[B]ut Rule 4 is a mandatory claim-processing rule” and not jurisdictional. *United States v. Hyman*, 884 F.3d 496, 498 (4th Cir. 2018). Because the government disclaims any objection to the extension, I am not precluded from granting it. “These claim-processing rules thus assure relief to a party properly raising them, but do not compel the same result if the party forfeits them.” *Eberhart v. United States*, 546 U.S. 12, 19 (2005).

Accordingly, it is **ORDERED** that the Motion for Enlargement of Time in which to Note an Appeal, ECF No. 123, is GRANTED and the Notice of Appeal filed August 17, 2022, is deemed timely to the orders appealed from, including the judgment entered May 26, 2022.

ENTER: August 29, 2022

/s/ JAMES P. JONES
Senior United States District Judge

¹ Rule 4(b)(3)(A) extends the time for filing a notice of appeal from a “judgment of conviction” until after the disposition of a motion for a new trial under Federal Rule of Criminal Procedure 33, but I have previously noted in this case that Rule 33 has been held not to apply to revocation proceedings and in any event, the defendant did not seek relief under Rule 33. Op. & Order, ECF No. 121 (Aug. 16, 2022).